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CAVEAT

GOLDEN GATE UNIVERSITY SCHOOL OF LAW

Vol. XIV, No. 9

October 23, 1978

STUDENT SUMMERS

HOW I SPENT MY SUMMER VACATION

Summer Vacations: long days, shorts, airconditioning, sunburns, mosquitoes, popsicles, camping, no school, Sea & Ski, frisbee, heat, outdoor concerts, summer school, tubing, fireworks, and always ending abruptly with that "HOW I SPENT MY SUMMER VACATION" essay.

The Summer of 1978 brings to mind few of the above memories of summers past but here is the usual essay (a little late because these California seasons are still confusing to me.)

In June of 1978, the Jarvis/Gann Initiative passed. As a law clerk for Children's Rights Group in San Francisco, much of my summer centered on research, legislative analysis, and community work resulting from the passage of Proposition 13.

Children's Rights Group is a multi-state child advocacy organization with a special focus on child nutrition and health. My first project, research for a law suit, (Poe v. Riles) which demanded that one meal per day be offered to children attending California summer schools, was successful. However, the results were nullified by the cancellation of summer schools following passage of Proposition 13.

The cancellation of summer schools was closely followed by the closing of child care centers throughout the Bay Area. Legislation quickly enacted to combat the effects of Proposition 13 on community services resulted in much confusion.

Throughout the summer I represented Children's Rights at various community coalition meetings. The Child Care Coalition in Berkeley demonstrated and testified at hearings before the School Board, wrote letters to legislators, met with the Office of Child Development, considered a lawsuit, and presented an alternative childcare budget. In August, the state announced that Berkeley must comply with recent legislation and must maintain 85% of the child care services provided in the 1977-78 Fiscal year.

Summer School and child care however, were not the only children's services affected by Proposition 13. Children's Rights coordinated a Preliminary Analysis of the Effects of Proposition 13 on Services to Children. My research included the effects on CETA and Youth Employment.

U.S. District Court Judge Orrick, ruled on July 20 that CETA workers may not be retained if regular employees were laid off as a result of Proposition 13. Youth employment programs were affected from all sides--funding, potential job placements and staff to place them.

Because my summer was dominated by children's issues, I quickly became aware that legal mechanisms do not always provide an effective remedy for legal and social issues, especially for such unimportant, silent non-voters as children.

Sue Ellen Lunbeck

AFFIRMATIVE ACTION: Another View

OVERLOOKED ISSUES OF MINORITY
ADMISSIONS AND THE BAKKE DECISION

One of the issues that will have to eventually be resolved at Golden Gate as well as other law schools is that of a minority admissions program. In speaking of minority admissions one cannot help but include in the discussion the Bakke decision. Needless to say, the Bakke decision has made the topic of minority admission a very hot issue. This has apparently caused many to overlook some important correlating issues and view the problem from a very narrow minded perspective. I will attempt to raise some points that I have not heard any discussion on in hopes of widening the perspective that is assumed in discussing minority admissions and the Bakke decision.

The intended purpose of minority admissions is to allow a person from a minority group that has been discriminated against in the past and is presently discriminated against to enter into an institution that is essentially elitest in nature and white in composition.

The reasons for allowing a member of such a minority group over a white person with the same or similar qualifications to gain acceptance (as was the case with Bakke, only he was able to show that minority group members with poorer qualifications gained acceptance), seem more than just. An attempt is being made to correct injustices of the past and of the present. A social system that has excluded in the past is making affirmative attempts to include. However, if one examines the processes that are employed to attain some of these very legitimate goals then their validity and degree of effectiveness is very much brought to question.

In the 1960's civil rights protests and demonstrations produced many changes in this country. A by-product of those changes was minority admissions and affirmative action programs. It was

Cont'd p. 2

FROM THE BLOTTER...

Executing a daring night raid, a team of GGU administrators, led by Smith Hicks and the Night Registrar, last thursday seized a number of bicycles feloniously parked in the stairwell. The raiders, in a Gordian maneuver, cut the bicycle locks and removed the offending vehicles to a secure vault. True owners may present themselves to the administration and upon proper contrition may regain their bikes. The administration is pleased to announce that fire regulations forbid bicycles in the stairwell, which had signs posted to that effect before the raid. As at present there is no place "on campus" to park bikes, a student committee has been formed to address this problem and will attempt to pry a parking area concordance out of the administration. Watch this space for hot flashes.

Having been kicked from pillar to post, the Caveat no longer may be found in the Mezzanine warren it formerly graced. Kudos, brickbats, and even messages may be presented at our new offices in the Law Review office at the back of the law library.

Another View...

an institutional concession. To do this and maintain the elitest quality of institutions such as Law and Medicine, those in positions of power who created such programs, in effect, took away opportunities from one group of oppressed peoples (namely blacks and other third world minorities). More positions were not opened or a system based on principles of equality was not created.

A point often overlooked that deserves emphasis is that THE INSTITUTIONS THAT MAKE UP THE POWER STRUCTURE AND EFFECT MOBILITY AND CLASS DIVISIONS DID NOT INSTITUTE PROGRAMS THAT WOULD BRING ABOUT ANY PERMANENT SOCIAL AND INSTITUTIONAL CHANGE. All that was achieved was a rearrangement of access to opportunity. It was made a little harder for one group of oppressed peoples and a little easier for another. Those who possess most of the power and wealth remained untouched.

There is a backlash now. Lower middle and working class whites do not want what they have struggled for taken away from them. Concessions will eventually be made. It will go back and forth. What results is that lower middle and working class whites are pitted against blacks and third world minorities. It is smart and basic maneuver. Lower class groups are kept fighting among themselves. What results is that the true issue of class oppression is obscured.

There is no question that lower middle and working class whites have better access to social and educational resources than do blacks and third world minorities in America. This, without a doubt provides the means for whites to improve their social condition. Because of this what is totally overlooked is the struggle to overcome oppression that they went through to attain their modest positions of security in society as well as their current struggle to maintain their modest achievements. Now I am not talking about upper class people. I am talking about lower middle and working class people that have struggled all their lives to attain what they have and must continue to struggle if they are to make ends meet.

The key word is struggle. The struggle is against the same kind of oppression that blacks and third world minorities in America are experiencing. This is another point that has been totally ignored. The difference is one of degree. Lower middle and working class whites know what it is to struggle against the forces of class oppression. Without a doubt however, blacks and third world minorities have a more intensive experience with the struggle against the forces of class oppression.

Resources are deliberately distributed unequally to lower social levels of society precisely for its divisive effect. It keeps groups that are experiencing the same kind of class oppression from realizing the common origin of their problems.

Discrimination and class oppression must be corrected, but the way to correct it is not by taking away from one group that is subjected to the same quality of oppression (but admittedly not the same quantity or degree) and giving to another. That is precisely what minority admissions does.

The best system to employ in the admissions process is one based on equality. Objective tests are biased and middle class oriented. They are fair to very few. Factors in ones background such as community involvement and attempts to overcome obstacles should be given greater weight in considering ones potential success in Law or Medical School. This would be a better measure of ones ability to achieve. Quotas attempt to bring about change while maintaining the discriminatory and exclusionary tendencies of the institutions. In effect no social change is realized. All that result is a change in the group that is discriminated against. How can you rectify a wrong with a wrong?

Mark Cohen

PAD NEWS

PAD'S LAWYER'S NIGHT, jointly sponsored with the USF Chapter, was a rare evening with two attorneys who were very ingratiating and unpretentious. Wayne Veatch of San Francisco spoke on the litigation process, and Norm Owen of Santa Rosa gave us his views on a practice in real estate. The night was complemented by the refreshments brought by everyone and the lively informal discussion.

PHI ALPHA DELTA's "Police Ride-A-Long" program has almost completed its sign-up roster for the Oakland Police Department. We urge all PAD members who wish to take advantage of this program to sign up. Vacancies will be filled by non-members who have expressed an interest in the project. Notify a PAD officer (phone numbers are on the bulletin board), or leave your name and number on the board.

PAD NIGHT STUDENTS: The cancelled meeting scheduled for last Tuesday has been re-scheduled for this Tuesday at the same time, 6:15 P.M.. Please meet Michael Pitts in the hallway for the room assignment which is unknown at this time. Bring your thoughts on the coming initiation which will take place Nov. 3rd.

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Dear Students,

Questions have been raised to us which we thought could best be answered through the Caveat.

If you have received your materials from a bar review course and are unhappy with them and may want to switch to another course the state of California has a statute bearing on the matter: California Administration Code §19247(3), which generally limits disenrollment costs to fees already paid or an administrative fee, whichever is less.

As to Golden Gate University students who have enrolled in BAR/BRI the Golden Gate University policy is that anyone who is dissatisfied with our Professional Responsibility manual or outlines may return them to us (before November 1st) and get a full-complete refund of all their fee's already paid.

BAR/BRI has this policy because of their complete confidence in BAR/BRI materials and program for bar exam review.

This is also the reason you will only see our table set up once a week; you will not be on any of our "lists", and there will be no BAR/BRI hard sell.

We do request you to read our "white" flyer, decide for yourself and not be herded into something with which you are later dissatisfied.

Our program is as follows:

EARLY SIGN-UP: You receive a complete set of new BAR/BRI outlines each year until graduation. Course tuition is frozen at the rate in effect at the time of enrollment. Enrollment cost of \$100 applies to senior course tuition;

OUTLINES: Completely rewritten each year by the professors whose names appear in the outlines. California BAR/BRI reference volumes contain all the substantive law you need to understand for the bar exam;

The Senior Course tuition is \$375 plus a \$40 refundable book deposit until November 1, 1978;

EXAMS: There are twenty-five essay exams which will be graded and critiqued by local attorneys and will be returned to the student within seven days. These will include a simulated bar exam, a half-day essay exam, a full-day essay exam, and a full-day multistate exam. All exams have model answers;

BAR GRADER'S CLINIC: Former bar graders give a presentation on what the graders will be looking for on essay examinations. They then critique student exams on an individual basis;

MULTISTATE REVIEW: A Multistate Mini-Review consisting of twelve hours of additional lectures on the Multistate subjects and a session on Multistate examination techniques are offered to all enrollees.

Thank you for your time we hope this will clear some things up for you,

BAR/BRI Reps

ANNOUNCEMENTS

BAR OUTLINES & HORNBOOKS WANTED: Any students who have BAR outlines, hornbooks or any supplemental materials, that they would like to contribute to the THIRD WORLD COALITION TUTORIAL PROGRAM can leave a message with a phone number in the Balsa mail slot and we will get in touch with you. Any contributions are welcome so that we can stock up our tutorial program with essential materials and help our first year students.

FREE JURIS DOCTOR SUBSCRIPTION: Cards for ordering a free subscription to the magazine are in a box outside the Dean's Office.

BICYCLE NOTICE: Please do not park your bicycles in the back stairs landing. We are not saying this to be contentious but because the bicycles create a hazard in our fire exits, which gets us into trouble with the fire inspectors. For an alternative space, check the parking garages on this block.

Placement News

Touche Ross C.P.A. Firm interviewed on campus a few weeks ago. They were very impressed with the GGU students they met and three students received offers for permanent employment. On Tuesday, October 24 at 5 p.m. in Room 209 Touche Ross will give presentation for all law students, regardless of class year, to acquaint you with the nature of their business and the role an attorney plays within a C.P.A. firm.

Remember, the U.S. Attorney's Office Civil Division, is coming to campus on October 31 to interview second and third year students for spring part-time employment. Those of you who have already signed up should submit your resumes to the Placement Office by the end of the week.

The student-alum program is underway. We sent a mailing to all of our local graduates asking them to volunteer to meet with interested students and counsel you on how to prepare for job specialization while in school, how to get a job in a special field of law, and how their practices work. The response from the alums was gratifying and we are maintaining their names in a notebook in the Placement Center. This is a helpful resource for all law students and I hope you'll take advantage of it.

LA CASA DE LAS MADRES FUND-RAISER

La Casa de las Madres, a shelter for battered women and their children, is holding a raffle to raise the funds necessary to keep all its needed projects in operation. Prizes awarded will include: 1) A white water rafting trip four four (guide included), 2) A Reno Extravaganza!, 3) A \$50 gift certificate for "Old Uncle Gaylord's" ice cream, 4) A video "PONG" cocktail table, plus many others!!

Tickets are on sale for a \$1, and participants need not be present at the drawing to win on Nov. 11, 1978. If you are interested, tickets will be sold Mondays and Tuesdays on the 2nd floor from 5 to 6:30 P.M.

If you are interested in helping with ticket sales or cannot purchase your tickets at the above stated times, please contact-- Jeanie at 334-3821, or leave a message for her at La Casa, 626-9337.

PREZ'S CORNER

VOLLEYBALL: We now have enough people for a volleyball team. Roger Bernhardt and I will try to work out an arrangement with the Y this week to use their gymnasium once a week for a volleyball game. Other students who have not already given me their names who want to play still do so.

YMCA PASSES: At the SBA meeting last Tuesday, the SBA decided to start charging 50¢ for each time a student checks out a Y pass. This is being done to help pay for the cost of the passes since the price (\$750 for 3 months) was so high. We will only charge until the passes are paid for. We are not doing this to make money. Students who are interested or willing to check out other Y facilities to see if we can get a better deal on Y passes for next semester, please leave your name and number in the SBA box in Faculty Center or tell me when you see me. We need people willing to do a little leg work. The SBA also decided that if a person does not return their Y pass within 26 hours after they have checked it out 3 times that that person will lose their Y pass privileges. This was done because many students keep the passes out after the time and this means fewer passes are available for distribution for other students. You can always slip the pass under the SBA door and pick up your student i.d. later to avoid the possible penalty.

SBA Meeting: The SBA will have a short meeting this Wed., 5 p.m. room to be announced. The only agenda item will be a request from the Women's Association to release \$500 that was allocated last year for a handbook. ALL OFFICER AND REPS PLEASE ATTEND. This should be a short meeting.

BUDGET REQUESTS: Budget requests from organizations are due this Wed, noon in the SBA box. The budgets will be published in next week's Caveat. The SBA will begin hearing the requests on Tues.,

October 31st at 5 p.m. All students who have opinions they wish to express about the specific budget requests are encouraged to attend the meetings and voice their opinions.

SCHEDULING COMMITTEE: We still need people for this committee. Please sign up this week on the sign-up sheet on the vending machines. The decisions this committee makes affects all students directly because the way the schedule is arranged affects what courses you will be able to take.

Alice Montgomery

From the Dean
Although the distribution of the "Report of Inspection of Golden Gate University Law School" by the AALS team is limited by the AALS (not by the law school), I believe the school community should share the final sentences of the report, which follow:
"Recognizing that it is the Accreditation Committee's task to make a finding, we nevertheless believe that this school is now within the bounds of the accreditation standards of the A.A.L.S. It has lived up to and exceeded its prior commitments and is to be commended."